



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503**

June 21, 1985

LEGISLATIVE REFERRAL MEMORANDUM

SPECIAL

LEGISLATIVE LIAISON

85-1785

TO:

Department of Defense - Werner Windus (697-1305)
✓ Central Intelligence Agency
National Security Council

SUBJECT: Justice report on a proposed bill entitled, "FBI
Security Assistance to Congress."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

Please provide us with your views no later than

June 26, 1985

Direct your questions to Gregory Jones (395-3454), of this office.


James C. Murr for
Assistant Director for
Legislative Reference

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Enclosures

cc: A. Curtis
K. Wilson
A. Donahue
J. Cooney



U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

Honorable David Durenberger
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

By letter dated April 23, 1985, Gary M. Chase, your Chief Counsel, requested the views of the FBI on a proposal which the Committee anticipates including in the Intelligence Authorization Act for FY '86 which is entitled "FBI Security Assistance to Congress." This provision is similar to Title 10 of H.R. 1082, "The Omnibus Intelligence and Security Improvements Act" which was introduced by Congressman Bob Stump, Ranking Minority Member of the House Permanent Select Committee on Intelligence. The Stump title is cited as the "Congressional Security Survey Act."

We have previously provided comments on the Stump bill to the Department of Justice. The "Congressional Security Survey Act" would provide for a comprehensive survey of the personnel, physical, document and communication security programs relating to classified information possessed by the Legislative Branch. This title of the Stump bill would require the Director of the FBI to conduct a survey under the guidance of congressional leadership and to report to the leadership by January 3, 1986, with recommendations for improvement of the security of classified information in the Legislative Branch. We questioned whether such a survey fell within the FBI's counterintelligence mission or constituted an appropriate and efficient use of our resources. We noted that at the current time we do provide technical assistance to the Capitol Police and work closely with the Intelligence Committees with regard to their technical needs. However, unless compelling reasons were set forth to support

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this title of the Stump bill, we stated that we would oppose it as an undue burden on our limited resources as well as a possible separation of powers issue if the Director of the FBI is deemed subject to congressional leadership.

We have reviewed the Senate Select Committee on Intelligence's proposed bill entitled "FBI Security Assistance to Congress" and note the following. The Senate bill authorizes the Director of the FBI, in cooperation with other agencies, to provide such assistance to the Congress as may be requested by the leadership by both chambers. Even though the mandatory language of the Stump bill has been eliminated, the language authorizing the leadership to make a request and similar authority in the Director to perform, may create an obligation on the part of the Director to accede to any request of the leadership. For this reason, we believe that the concurrence of the Attorney General be made mandatory before such a task be undertaken.

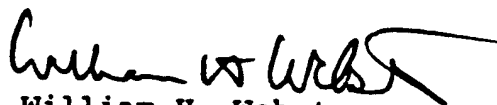
Additionally, it is noted that the proposal would allow the leadership to request assistance to aid in the assessment of personnel. While we do not believe it is intended that this language be construed to allow for FBI background investigations, that result is a clear possibility. Therefore, report language clearly stating that such result is not intended should be included.

During the most recent House Intelligence Committee hearing on March 20, 1985, Congressman Cheney asked me the following question: "If two Houses of Congress were to ask the FBI to conduct a study for us on the security practices here on Capitol Hill and make recommendations to the leadership as to what should be done, is that something that the FBI could do for us?" I stated that the FBI would certainly undertake to cooperate with the two Houses in an effort of this kind. I indicated that we do not perform security work in and of itself, but we do make security assessments. I also noted that we have worked with the corporate sector in reaching some 12,000 corporations in our counterintelligence awareness program.

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It is our view that legislation is not needed in this area and that the current proposal could be viewed as restrictive in light of our current cooperative efforts with the Congress. However, if legislation is deemed appropriate, we would request that the concurrence of the Attorney General be made mandatory before such a task be undertaken. We also note that while funding is provided for the FBI, no funding is provided for other Executive Branch agencies to fulfill their responsibilities under the proposed amendment.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "William H. Webster", with a stylized flourish at the end.

William H. Webster
Director